

12/05/01
JC997 U.S. PTO

Rev. 10/08/2001

12 - 10 - 01

EL514040365US

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JC997 U.S. PTO
10/007326
12/05/01

Attorney Docket No: COAD-004/01US

PATENT

Express Mail Label Number: EL514040365US

Date of Deposit: 05 DEC 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box Patent Application, P.O. Box 2327, Arlington, VA 22202.

Date: 05 DEC 2001

By:


Douglas Gow

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

UTILITY PATENT APPLICATION TRANSMITTAL

Transmitted herewith for filing is a U.S. Non-Provisional Utility Patent Application entitled:

APPARATUS AND METHOD FOR CONTROLLING OPTICAL GAIN PROFILES

naming as inventors: **Jack R. Kelly**
Haiji J. Yuan
Qingyu (Tom) Li
Hudson Washburn

and including:

- (11) pages of description (before the claims);
- (4) pages of claims ((36) total claims; (2) independent claims);
- One (1) Sheet of Abstract;
- (13) sheets of drawing(s) including Figures 1 to 11.

1. Also enclosed are:

- unexecuted Declaration
- Nonpublication Request and Certification
- Application Data Sheet
- Assignment and Assignment Recordation Cover Sheet
- Power to Prosecute
- Assertion of Entitlement to Small Entity Status
- Information Disclosure Statement
- Preliminary Amendment
- Check No. ____ in the amount of \$____ for the total fee as calculated below
- Return receipt postcard
- Other:

2. Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §§119 and/or 365 to _____ filed in _____ on _____, the entire content of which is hereby incorporated by reference.

A certified copy of the priority application is enclosed will follow.

3. Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §119(e) to U.S. Provisional Application No._____, filed ____, the entire content of which is hereby incorporated by reference.

4. Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §120 to U.S. Patent Application No. ___, filed ___, the entire content of which is hereby incorporated by reference.

5. The filing fee has been calculated as follows:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00
Total Claims	36	- 20 =	16	x \$18.00	288.00
Independent Claims	2	- 3 =	0	x \$84.00	0.00
If multiple dependent claims are presented, add \$280.00					
Total Application Fee					1,028.00
If an Assertion of Entitlement to Small Entity Status is enclosed, subtract 50% of Total Application Fee					514.00
Other fees: (specify)					
TOTAL FEE DUE					\$514.00

- This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
- A check for the total fee is attached.
- Please charge \$__ to Deposit Account No. 03-3117 for the total fee. This paper is being submitted in duplicate.
- The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

6. Please direct all correspondence concerning this application to:

COOLEY GODWARD LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

CUSTOMER NUMBER: **23419**

Dated: Dec. 5, 01

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By:

Respectfully submitted,
COOLEY GODWARD LLP



William S. Galliani
Reg. No. 33,885

WSG:dm

Attorney Docket No: COAD-004/01US

PATENT

Express Mail Label Number: EL514040365US

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Date: 05. DEC 2001

By:



Douglas Gow

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Jack R. Kelly, et al.

Serial No.: Not assigned

Examiner: Not assigned

Filed: Herewith

Art Unit: Not assigned

For: **APPARATUS AND METHOD FOR CONTROLLING OPTICAL GAIN PROFILES**

Commissioner for Patents
Washington, D.C. 20231

NONPUBLICATION REQUEST – 37 C.F.R. §1.213

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. §122(b).

Dated: Dec. 5, 01

Respectfully submitted,
COOLEY GODWARD LLP



Cooley Godward LLP
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